

January 26, 2009

Community Clean Water Institute
500 N. Main st. Ste 110
Sebastopol Ca, 95472

Catherine Kuhlman: Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd. Ste. A
Santa Rosa, CA 95403

Dear Ms. Kuhlman:

I am writing concerning the proposed Basin Plan Amendment entitled:

WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION TO
ESTABLISH EXCEPTION CRITERIA TO THE POINT SOURCE WASTE
DISCHARGE PROHIBITIONS BY REVISING THE ACTION PLAN FOR STORM
WATER DISCHARGES AND ADDING A NEW ACTION PLAN FOR LOW
THREAT DISCHARGES.

CCWI coordinates water quality monitoring, educational, and public outreach programs in Sonoma County. We then use the data to locate pollution sources and develop educational materials for the general public highlighting areas of concern, as well as the best management practices and strategies for improving water quality and reducing pollution.

This proposed amendment addresses three types of urban runoff into Russian River tributaries. It requires numerous programs be implemented whose purpose is to prevent or greatly inhibit storm water runoff that carries pollutants into streams during winter rain conditions. We support your efforts to ameliorate conditions that speed the flow of pollutants into our waterways. Cities should be held responsible for the timely implementation of Best Management Practices (BMPs) to facilitate control of this runoff.

Secondly, this proposed amendment addresses situations that may occur any time of year, where a planned discharge is necessary for an activity that serves the public benefit and is determined to be of low threat to the environment. This includes well and public infrastructure testing, construction dewatering, and other similar types of point source discharges that supposedly pose a low threat to water quality, yet technically must be regulated under an NPDES permit. Because these are planned activities and careful monitoring, execution, and oversight can be timed and developed in advance in order to have the least impact on the environment and water quality, I do not oppose this part of the

Amendment at this time. I support the criteria on page 4 and 5 of the Staff Report addressing the implementation requirements that must be met by dischargers.

It is the third proposal that causes great concern, and includes allowing non storm water runoff and/or "incidental" runoff that cannot be planned in advance. The proposed amendment characterizes this runoff as "low threat" and defines it as "...*incidental discharges that are unanticipated, accidental and infrequent.*" Originally this was going to be dealt with as a separate Basin Plan Amendment, but now relies on future implementation of Best Management Practices that have not been developed as yet.

There is no way the public can judge whether the environmental analysis is adequate, because we don't yet know how beneficial uses will be protected. Because these discharges have the potential for a great deal of harm, we request that you remove this part of the Amendment until a later time when the BMPs to protect water quality can be examined and commented on.

These "low threat" discharges of wastewater contain many unregulated chemicals such as pharmaceuticals and personal care products whose toxicity is unknown. Many of these are believed to cause serious harm to the environment, to aquatic life, and human health. They have been found in waterways, in drinking water, and in the human body, where some believe they have caused cancer and other serious diseases in adults, children, and pets, and may be the cause of diminishing and disappearing wildlife species. Furthermore, there is a great deal of scientific information about antibiotic resistant pathogens that can get through the treatment system and wreck havoc with anyone coming in contact with them. This has never been addressed either.

Many of these chemicals are endocrine disruptors and are believed to cause the feminization of male reproductive organs in many diverse species such as birds, alligators, fish, and amphibians, preventing them from reproducing effectively. How will this policy protect threatened and endangered species in light of unknown and unregulated chemicals in the wastewater?

Incidental runoff may also have the unintended consequence of allowing lawn chemicals to run off into waterways. We are also concerned about the cumulative impacts of numerous "low threat" discharges occurring at the same time, especially if toxic chemicals have been applied to the irrigated area. We request that you prohibit wastewater irrigation on land that has been treated with pesticides. How would chemicals in recycled wastewater and chemical applications on lawns interact with one another? Would they produce any harmful by-products?

We believe that the State should test for endocrine disruptors and hormones in wastewater and that the policy should be suspended in areas testing positive for these constituents.

We are also concerned that the Laguna de Santa Rosa, prime receiver of runoff discharges from Santa Rosa, Cotati, and Rohnert Park, is a severely impaired water body. The Ludwigia (invasive plant) is a very serious pollutant that causes great harm and is exacerbated by nutrient loading.

CCWI has been testing for nitrates and phosphates in the Laguna De Santa Rosa since 2004, and on numerous accounts found nutrient levels that far exceeded natural levels for surface fresh water bodies in the United States. This Basin Plan Amendment should not be authorized until nutrient loads are fully identified and an analysis of potential contribution by irrigation runoff can be identified.

In order to protect the environment in the summer low flowing streams (this amendment fails to differentiate between high winter flows and summer low flows) we recommend that the following additions be included in this Amendment, should it move forward:

- Monitoring of wastewater water quality should occur near the site and time of application to assure that the quality matches that of the Treatment Plant effluent;
- A maximum numerical amount be defined for "incidental runoff";
- Setbacks from creeks be required, with much greater setbacks in proximity to 303(d) listed creeks (600' would be appropriate as with AB 885);
- No irrigation be allowed on lawns that have been treated with pesticides, herbicides, soil amendments, fertilizers, etc.;
- That irrigation only be applied at agronomical rates;
- That multiple violators of wastewater irrigation rules not be allowed to irrigate with wastewater for at least a year, if not cut off entirely;
- That the program be revisited after the second year of implementation and annual reports written in detail to evaluate any problems;
- That a public review process be included with that review;
- That independent citizen water cops be hired to check irrigation sites unannounced on a regular basis;
- That it include a re-opener clause as new information about unregulated and other contaminants becomes available and new regulations are needed;

In conclusion, we wonder how viable a n expensive (\$150 million) wastewater irrigation program by the City of Santa Rosa will be if at the same time, in the name of conservation, there is pressure on developers via the low impact development program, to install low water use landscaping. It seems like the city is promoting low water use landscapes on the one hand, as they prepare for a very expensive wastewater irrigation program on the other.

Finally, this part of the Amendment is VERY short on details about how beneficial uses will be protected. Supposedly this Action Plan allows for speedy

implementation through a General Permit. Yet a Regional Board staff member said recently that when requirements are carefully and specifically spelled out, faster implementation schedules can occur with less staff involvement. We suggest the Regional Board take more time on this one to spell out the details.

Sincerely,

Terrance Fleming

Program Director

Community Clean Water Institute